

## ADMINISTRATIVE POLICY



### STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

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**TITLE:       RECORDKEEPING AND  
              ACCESS TO PAYROLL RECORDS  
              (AGRICULTURAL EMPLOYMENT)**

**NUMBER:    ES.D.2**

**REPLACES:  ES-029**

**CHAPTER:   RCW 49.30  
              WAC 296-131**

**ISSUED:     1/2/2002**

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#### ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Employment Standards should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

**Record keeping requirements for agricultural employment.** Agricultural employers must keep records of employee name, address, occupation, dates of employment, rate or rates of pay, the amount paid to each employee during each pay period, and the hours worked. See WAC 296-131-017.

Records must be made available to the department, upon request.

**Records must also be made available to employees.** An agricultural employee who requests "his or her work record" may inspect the records that his or her employer is required to keep "at any reasonable time".

"Employee work record" means the original records required by WAC 296-131-015 and -017 and are to include the name, address, and occupation of each employee; dates of employment; rate or rates of pay including regular and overtime rates; amount paid each pay period to each employee; all deductions from or additions to wages; and the hours and dates worked including regular and overtime hours.

Such records shall be open upon request to inspection, review, transcription and/or photocopying by the employee and must be available at the employee's usual place of employment.

"Upon request" shall mean an oral or written request by the employee.

"At any reasonable time" shall mean within 10 business days from date of request by employee.

**Records must be kept for three years.** Agricultural employers must keep all records required for at least three years. See WAC 296-131-017.

The term "all records required" shall include the original time records, including dates and hours worked, recorded on time sheets, time clocks, time cards, computer-generated time records, video camera (if used as a means of record keeping by the employer), or any other method of recording hours worked. Records transferred from such original records to a computer or other record keeping device do not satisfy the requirements of the Agricultural Employment Standards rules, WAC 296-131.

**Agricultural employees are entitled to itemized pay statements.** At the time wages are paid, RCW 49.30.020 requires that each agricultural employee receive an itemized statement showing:

- Pay basis in hours or days worked.
- Rate or rates of pay.
- Gross pay.
- All deductions from the pay for the respective pay period.

Employers paying workers by direct deposit must provide the pay statement on the established payday.

Additionally, WAC 296-131-015 requires that the pay statement must also:

- Identify the employee.
- Show the number of hours worked or the number of days worked based on an eight-hour day.
- Show the number of piece work units earned if paid on a piece work basis.
- Identify the pay period.
- Identify the purpose of each deduction.
- State the employer's name, address and telephone number.

**Employment of minors (under age 18).** Additional record keeping requirements for minors working in agriculture are required under WAC 296-131-130, specifically, proof of age and parent and school authorization.

**Employer's failure to comply with record keeping requirements.** The department may issue a Notice of Infraction to agricultural employers for failure to comply with agricultural employment record keeping requirements, per RCW 49.30.040. In the event of an investigation by the department, an employer's failure to keep and produce the required records may result in the department's acceptance of records kept by employees to determine back wages owed.

## **Recordkeeping requirements of the Minimum Wage Act, RCW 49.46**

The initial record keeping requirements of the Minimum Wage Act (MWA) are similar to those under WAC 296-131. Employers subject to the MWA must keep a record of each employee's name, address, occupation, rate of pay, amount paid in each pay period and hours worked each day and each workweek. See RCW 49.46.070.

Additionally, under the provisions of the MWA, employers must keep the following records:

- Employee's date of birth, if under the age of 18.
- Time of day and day of the week that each employee's workweek begins.
- Total daily or weekly earnings at straight time rate.
- Total overtime earnings for weeks in which overtime was worked.
- Date of the wage payment and the dates of pay period covered.
- Total wages paid for each pay period.
- All additions or deductions to or from the wages for each pay period and a record of the additions or deductions from pay.